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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,006

07/06/2006

Michael Schlipkoter

LIP083

4648

32047

7590

07/13/2009

GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC  
55 SOUTH COMMERICAL STREET  
MANCHESTER, NH 03101

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,006	<b>Applicant(s)</b> SCHLIPKOTER ET AL.	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 03/30/09.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 8, 9, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853).

Potvin discloses the invention substantially as claimed including a blade head 3, a handle 4, lower holding part 3, a upper holding part 15, the lower holding part covers the entire underside of the blade (see Fig. 3), a blade opening (see Fig. 4). Potvin doesn't show an upper holding part and a fixing device displaying snap-in means, and a tongue-and-groove guide. However, Schmidt teaches the use of an upper holding part and a fixing device displaying snap-in means (14b and 47), and a tongue-and-groove guide (38 and 51) for the purpose of better supporting the upper side of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the upper holding part and fixing device displaying snap-in means, and tongue-and-groove guide as taught by Schmidt in order to obtain a device that better supports the upper side of the blade. Also, Schmidt teaches guide device/guide prongs 38 and snap hook 42

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853) as applied to claim 1 above, and further in view of Pracht (3,636,625).

The modified device of Potvin discloses the invention substantially as claimed except for the parts display curved shapes. However, Pracht teaches the use of the parts display curved shapes (see Fig. 4) for the purpose of enabling the blade to be clamped in a curved position for better cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the parts display curved shapes as taught by Pracht in order to obtain a device that enables the blade to be clamped in a curved position for better cut.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853).

Potvin discloses the invention substantially as claimed except for a dovetail-type cross-section. However, The Examiner takes Official Notice that the use of a dovetail-type cross-section is old and well known in the art for the purpose of having easily and tightly connection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the dovetail-type cross-section in order to obtain a device that have easily and tightly connection.

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6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853) as applied to claim 1 above and further in view of Gilhaus et al. (3,797,505).

The modified device of Potvin discloses the invention substantially as claimed except for an eyehole. However, Gilhaus et al. teaches the use of an eyehole for the purpose of obtaining a better view of the object to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the eyehole as taught by Gilhaus et al. in order to obtain a device that obtain a better view of the object to be cut.

7. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853) and Gilhaus et al. (3,797,505) as applied to claim 14 above, and further in view of McCatty (6,502,314 B1).

The modified device of Potvin discloses the invention substantially as claimed except for a section for the fingers/finger recesses. However, McCatty teaches the use of a section for the fingers/finger recesses (34, 44, 46 and 48) for the purpose of improving the finger comfort. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the section for the fingers/finger recesses as taught by McCatty in order to obtain a device that improves the finger comfort. Also, Gilhaus et al. teaches the plastic material (see Abstract).

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8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853) and Gilhaus et al. (3,797,505) as applied to claim 14 above, and further in view of Seber et al. (5,528,834).

The modified device of Potvin discloses the invention substantially as claimed except for convex padded grips. However, Seber et al. teaches the use of convex padded grips 48 (see Fig. 2) for the purpose of having an excellent grip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the convex padded grips as taught by Seber et al. in order to obtain a device that have an excellent grip.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potvin (2,612,683) in view of Schmidt (5,319,853), Gilhaus et al. (3,797,505), Seber et al. (5,528,834) and McCatty (6,502,314 B1).

Potvin discloses the invention substantially as claimed including a blade head 3, a handle 4, lower holding part 3, a upper holding part 15, the lower holding part covers the entire underside of the blade (see Fig. 3), a blade opening (see Fig. 4). Potvin doesn't show an upper holding part and a fixing device displaying snap-in means, and a tongue-and-groove guide. However, Schmidt teaches the use of an upper holding part and a fixing device displaying snap-in means (14b and 47), and a tongue-and-groove guide (38 and 51) for the purpose of better supporting the upper side of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the upper holding part and fixing device displaying snap-in means, and tongue-and-groove guide as taught by Schmidt in order to obtain a device that better supports the upper side of the blade.

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The modified device of Potvin discloses the invention substantially as claimed except for an eyehole. However, Gilhaus et al. teaches the use of an eyehole for the purpose of obtaining a better view of the object to be cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the eyehole as taught by Gilhaus et al. in order to obtain a device that obtain a better view of the object to be cut.

The modified device of Potvin discloses the invention substantially as claimed except for convex padded grips. However, Seber et al. teaches the use of convex padded grips 48 (see Fig. 2) for the purpose of having an excellent grip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the convex padded grips as taught by Seber et al. in order to obtain a device that have an excellent grip.

The modified device of Potvin discloses the invention substantially as claimed except for a section for the fingers/finger recesses. However, McCatty teaches the use of a section for the fingers/finger recesses (34, 44, 46 and 48) for the purpose of improving the finger comfort. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Potvin by providing the section for the fingers/finger recesses as taught by McCatty in order to obtain a device that improves the finger comfort.

***Allowable Subject Matter***

10. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./  
Examiner, Art Unit 3724  
7/8/2009

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724